

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANTONIO MARQUES SMITH, SR.,

Plaintiff,  
v.

ERIC PETERS, et al.

Defendants.

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ORDER

Case No. 23-cv-191-jdp

On March 23, 2023, the court assessed plaintiff Antonio Marques Smith, Sr. an initial partial payment of \$65.26 due by May 2, 2023. Now plaintiff has submitted a motion for reconsideration. Plaintiff's general trust fund account lacks sufficient funds, and plaintiff seeks an order requiring disbursement of \$65.26 from plaintiff's release account.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that prison officials are directed to disburse \$65.26 from plaintiff's release account for payment of the initial partial filing fee. Plaintiff's initial partial filing fee is due by May 23, 2023.

Entered this 28<sup>th</sup> day of April, 2023.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge